

2009 DRAFTING REQUEST

Bill

Received: **01/27/2009**

Received By: **rryan**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Willing**

This file may be shown to any legislator: **NO**

Drafter: **rryan**

May Contact:

Addl. Drafters:

Subject: **Health - medical assistance**

Extra Copies: **TJD**

Submit via email: **NO**

Pre Topic:

DOA:.....Willing, BB0550 -

Topic:

Medical Assistance; federal financial participation rates

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	rryan 01/28/2009	kfollett 01/28/2009	mduchek 01/28/2009	_____	cduerst 01/28/2009		S&L
/2	rryan 01/28/2009	kfollett 01/28/2009	jfrantze 01/28/2009	_____	sbasford 01/29/2009		S&L
/3	rryan 02/02/2009	kfollett 02/02/2009	rschluet 02/02/2009	_____	mbarman 02/02/2009		

FE Sent For:

<END>

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/?	rryan	1/15f 1/28		_____ _____			S&L

FE Sent For:

<END>

2009-11 Budget Bill Statutory Language Drafting Request

- Topic: County FMAP
- Tracking Code:
- SBO team: Health and Insurance
- SBO analyst:
 - Phone: Krista Willing
 - Email: krista.willing@wisconsin.gov
- Agency acronym: DHS
- Agency number: 435
- Priority (Low, Medium, High): High

Intent:

Change the statutes regarding county FMAP.

Language suggested by DHS counsel:

For the period October 1, 2008 through December 31, 2010, notwithstanding 49.45 (25), (30), (30e), (41), and (45), if permissible under federal law or regulations, the department shall reimburse a provider for benefits under 49.45 (25), (30), (30e), (41), and (45) in an amount equal to the federal financial participation rate that Wisconsin would have received in the absence of federal legislation to provide states with enhanced federal financial participation rates. For the period October 1, 2008 through December 31, 2010, notwithstanding 49.45 (39)(b), if permissible under federal law or regulations, the department shall reimburse a provider for benefits under 49.45 (39)(b) in an amount equal to 60% of the federal financial participation rate that Wisconsin would have received in the absence of federal legislation to provide states with enhanced federal financial participation rates.

For the period October 1, 2008 through December 31, 2010, notwithstanding 49.45 (25), (30), (30e), (41), and (45), if permissible under federal law or regulations, the department shall reimburse a provider for benefits under 49.45 (25), (30), (30e), (41), and (45) in an amount equal to the federal financial participation rate that Wisconsin would have received in the absence of federal legislation to provide states with enhanced federal financial participation rates. For the period October 1, 2008 through December 31, 2010, notwithstanding 49.45 (39)(b), if permissible under federal law or regulations, the department shall reimburse a provider for benefits under 49.45 (39)(b) in an amount equal to 60% of the federal financial participation rate that Wisconsin would have received in the absence of federal legislation to provide states with enhanced federal financial participation rates.

Case Mgt.
(C)

Community Support
Community based
Psych Svcs.

MH
Crisis
Intervention
Svcs.

School Med Svcs.

In Home MH
med other
Svcs



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-18287

RLR...

Fix request sheet please

BBO550

In 1/28/09

1
6f

DOA:.....Willing - Medical assistance; federal financial participation rate

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMR

Don't Gen

HEALTH AND HUMAN SERVICES
MEDICAL ASSISTANCE

1 **AN ACT ...; relating to: the budget.**

Medical Assistance

Analysis by the Legislative Reference Bureau

MA

Currently, the federal government pays a specified percentage of the allowable costs of (MA) benefits. The federal medical assistance percentages (FMAPs) for federal fiscal year 2009 were published in the federal register on November 28, 2007, and the FMAPs for federal fiscal year 2010 were published in the federal register on November 26, 2008. Also currently, for certain MA benefits, the provider contributes the entire state share of the cost of providing the benefit and the state disburses to the provider the federal share of the allowable costs of providing the benefit.

X This bill provides that regardless of whether the FMAPs for federal fiscal years 2009 or 2010 are increased above the percentages published on November 28, 2007, and November 26, 2008, for those benefits for which the state disburses the federal share to the provider, the state shall use FMAPs published on those dates to calculate the federal share for benefits provided between October 1, 2008, and December 31, 2010.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 9122. Nonstatutory provisions; Health Services.

(1) **FEDERAL MEDICAL ASSISTANCE PERCENTAGES.** If permitted under federal law, and notwithstanding section 49.45 (25), (30), (30e), (39) (b), (41), and (45) of the statutes, for Medical Assistance benefits under subchapter IV of chapter 49 of the statutes for which the department of health services disburses to the provider the federal share, or a percentage of the federal share, of allowable costs for providing the benefit, the percentages used to determine the federal share shall be the following, regardless of whether the federal government increases the percentages:

(a) For services provided during the period from October 1, 2008, through September 30, 2009, the federal medical assistance percentages for federal fiscal year 2009 that are published in the federal register on November 28, 2007, on pages 67304 to 67306.

(b) For services provided during the period from October 1, 2009, through December 31, 2010, the federal medical assistance percentages for federal fiscal year 2010 that are published in the federal register on November 26, 2008, on pages 72051 to 72053.

(END)

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

LRB - 1828

1/28/09 - checked with Kusta,

Should FMAP provision apply to
any new benefits created during
time frame covered in the bill
for which DHS to disburse fed
share - or just to those
benefits for which DHS
currently disburse fed share?

Just the current ones.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1828/1

RLR:kjf:md

In 1/28/09

Fix
request
sheet
please

DOA:.....Willing, BB0550 - Medical assistance; federal financial participation rates

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMA

Don't Gen

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Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

MEDICAL ASSISTANCE

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currently

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(END)

section 49.45 (25), (30), (30e), (39) (b),
(41), and (45)



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1828/2

RLR:kjf:jf

2/2/09

DOA:.....Willing, BB0550 - Medical Assistance; federal financial participation rates

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

RMR

Don't Gen

1 **AN ACT ...; relating to: the budget.**

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

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3 and notwithstanding section 49.45 (25), (30), (30e), (39) (b), (41), and (45) of the
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5 (41), and (45) of the statutes, for which the department of health services disburses
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15 December 31, 2010, the federal Medical Assistance percentages for federal fiscal year
16 2010 that are published in the federal register on November 26, 2008, on pages 72051
17 to 72053.

18 (END)

**2009-2010 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1828/3ins
RLR:.....

1

2

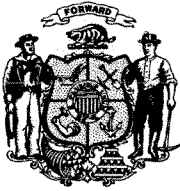
3

4

SECTION 9422. Effective dates; Health Services.

(1) FEDERAL MEDICAL ASSISTANCE PERCENTAGES. The treatment of SECTION 9122

(?) takes effect on the day after publication.



State of Wisconsin
2009 - 2010 LEGISLATURE

LRB-1828/3

RLR:kjf:rs

DOA:.....Willing, BB0550 - Medical Assistance; federal financial participation rates

FOR 2009-11 BUDGET -- NOT READY FOR INTRODUCTION

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SECTION 9422. Effective dates; Health Services.

(1) FEDERAL MEDICAL ASSISTANCE PERCENTAGES. The treatment of SECTION 9122 (1) takes effect on the day after publication.

(END)